IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Crl.Rev.Pet.No. 1044 of 2007()

CRA.469/2004 of ADDL. SESSIONS COURTS FAST TRACK (ADHOC), MAVELIKKARA
CC.505/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

.....

REVN. PETITIONER:

K.RAMESH, R.NILAYAM,
AREEKKARA MURI, MULAKKUZHA VILLAGE.

BY ADV. SRI.K.SURENDRA MOHAN

RESPONDENTS:

---

1. SANTHOSH, KALLUPALATHINKAL,
MALAYIL VEEDU, EDAYARANMULA EAST,
ARANMULA VILLAGE.

2. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, THIRUVANANTHAPURAM,
THROUGH DIRECTOR OF PUBLIC PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

==========

Crl.R.P.NO.1044 OF 2007

==========

Dated this the 9th day of March,2007

ORDER

The revision petitioner is the accused in C.C.No.505 of 2000 convicted for the offence under Section 420 I.P.C and sentenced, as modified by the appellate court , to undergo rigorous imprisonment for one month. The contention of the revision petitioner is that the cheque was taken by force by the complainant and that he has not affixed his signature in the same. The evidence adduced in the matter consisted of the testimony of PW1 and Exts.P1 to P7 that contain the impugned cheque, dishonour memo, notice issued, postal acknowledgment card and the copy of the account particulars of the accused. DW1 is the accused and the DW2 is the Bank Manager. Ext.D1 is the stop memo. On a consideration of the evidence adduced in the matter it was found that the accused had deliberately put signature in a different fashion and hence the cheque was returned for want of funds as well as signature varied. I find that accused has not seen replied to lawyer notice nor had he taken any steps of the allegedly taking away of his cheque leaf by force. The above conduct is not properly explained. In the circumstances and in view of the evidence adduced in the matter and considering that the courts below

have properly considered the evidence adduced there is no scope of interference in exercise of the revisional jurisdiction of the court. In the circumstances, the conviction is confirmed. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.20,000/- and in default to undergo simple imprisonment for one month. The revision petitioner is granted four months time from today onwards to make the payment. The revision petitioner shall appear before the Judicial First Class Magistrate Court-I Chengannur on 30.06.2007 to receive sentence.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs